

JAN 24 1985

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DANIEL H. SQUIRE

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January 21, 1985

Margaret Thompson, Esquire
Office of the Regional Counsel
U.S. Environmental Protection Agency
26 Federal Plaza
New York, NY 10278

Re: Duane Marine Salvage Corp./
The Rusty Scupper Restaurant

Dear Ms. Thompson:

This letter confirms our conversation earlier today concerning the petition by The Rusty Scupper Restaurant to be removed as a respondent to Administrative Orders II-CERCLA-50102 and -50105 and all related orders and proceedings in connection with the Duane Marine Salvage Corp. in Perth Amboy, New Jersey.

You indicated that you had received and reviewed my letter of January 11, 1985 attaching the affidavit of Lawrence Oster; that the affidavit in combination with materials earlier provided by The Rusty Scupper contained information sufficient for EPA to act on the Restaurant's petition; and that EPA has made a determination to grant the Restaurant's petition.

You also stated that EPA shortly would issue an order dismissing The Rusty Scupper Restaurant and certain other respondents from all proceedings relating to the Duane Marine Salvage Corp. site. You said there could be a delay in issuance of that order pending review of another respondent's petition, but that you would use your best efforts to expedite the order's issuance.

If I have misstated the substance of our conversation, please let me know. As I indicated when we spoke,

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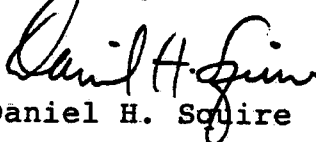


Margaret Thompson, Esquire
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we look forward to receiving at the earliest possible time the order formalizing EPA's decision to dismiss The Rusty Scupper Restaurant from these proceedings.

Thank you again for your cooperation in resolving this matter to our mutual satisfaction.

Sincerely,


Daniel H. Squire

DHS/sg

cc: J. Douglas Wyatt, Esq.
Borel Restaurant Corporation